



Activity in Case 1:14-cv-14772-DJC IN RE: Spagnuolo, Jr., DEBTOR Order  
ECFnotice  
to:  
CourtCopy  
09/24/2015 07:25 AM  
Hide Details  
From: ECFnotice@mad.uscourts.gov  
To: CourtCopy@mad.uscourts.gov

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.**

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

United States District Court

District of Massachusetts

### Notice of Electronic Filing

The following transaction was entered on 9/24/2015 at 7:24 AM EDT and filed on 9/24/2015

**Case Name:** IN RE: Spagnuolo, Jr., DEBTOR

**Case Number:** [1:14-cv-14772-DJC](#)

**Filer:**

**Document Number:** 21(No document attached)

### Docket Text:

**Judge Denise J. Casper: ELECTRONIC ORDER entered. On March 3, 2014, this Court remanded to the bankruptcy court a prior appeal by Debtor-Appellant Robert Spagnuolo for determination of the limited issue of the portion of a Middlesex Superior Court jury verdict for damages that was attributable to fraud. D. 17-15 at 12 (Memorandum of Decision, dated March 3, 2014, in Spagnuolo v. Brooke-Petit, No. 13-11694). On November 17, 2014, the bankruptcy court upon remand, after review of the state court transcripts and the parties' memoranda, concluded that the whole \$250,000 jury verdict was attributable to fraud. D. 3-19 at 23. Spagnuolo now appeals this ruling arguing that the bankruptcy court erred in allocating 100% of the jury verdict award to fraud, making the entire claim of Appellee Edwina Brooke-Petit nondischargeable under 11 U.S.C. § 523(a)(2)(A). D. 1, D. 16 at 5. Based upon the record including the trial transcripts, D. 17-1 et seq., the special verdict form, D. 17-15, jury instructions, D. 17-1 at 59-67, 17-2, 17-16 at 20-36, the November 17, 2014 Memorandum of Decision (Feeney, J.), D. 3-19, and the briefs of the parties on appeal, D. 16 and 19, the Court concludes that the bankruptcy court did not err in finding that the entirety of the \$250,000 verdict was attributable to fraud and, therefore, nondischargeable under 11 U.S.C. § 523(a)(2)(A). Accordingly, the Order of the bankruptcy court, D. 3-20, is AFFIRMED, and this appeal is dismissed. (Hourihan, Lisa)**

**1:14-cv-14772-DJC Notice has been electronically mailed to:**

Bill N. Jacob bnjlaw@hotmail.com

Herbert Weinberg hweinberg@jrhwlaw.com

Laurel E. Bretta bglaw@lbretta.com, pnocera@lbretta.com

**1:14-cv-14772-DJC Notice will not be electronically mailed to:**